

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

NOTICE

The next Regular Meeting of the Northwest Bergen County Utilities Authority will be held on Tuesday, June 18, 2019 immediately following the Work Session at 7:00pm, in the offices of the Authority located at 30 Wyckoff Avenue, Waldwick, New Jersey.

Formal action will be taken.

June 14, 2019

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

AGENDA REGULAR MEETING June 18, 2019

1. Meeting called to Order
2. Open Public Meetings Act Statement
3. Salute to the Flag
4. Roll Call
5. Swearing in of Commissioner – Frank Kelaher
6. Chairman’s Remarks
7. Approval of Minutes – Regular Meeting – May 21, 2019
Special Meeting – May 21, 2019
8. Public Comments (any subject)
9. Consideration for approval list of Resolutions attached dated June 18, 2019
10. Report of Committees:
 - a. Finance Committee
 - b. Personnel Committee
 - c. Insurance Committee
 - d. Operating Committee
 - e. Strategic Plan Subcommittee
 - f. Buildings and Grounds Committee
 - g. Safety and Security Committee
11. Report of Treasurer
12. Report of General Counsel
13. Report of Consulting Engineer
14. Report of Executive Director
15. Report of Authority Engineer
16. Report of Superintendent
17. Old Business
18. New Business
19. Public Comments (on subjects 5 through 18)
20. Adjournment

June 14, 2019

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTIONS

June 18, 2019

CONSENT AGENDA

- 46-2019 Approval of Change Order No. 1 for Contract No. 273 – Wastewater Treatment Plant Improvements Project
- 48-2019 Approval of Payment of Vouchers, Payroll, Tax Deposits and Pensions and Benefits
- 49-2019 Resolution of the Governing Body of the Northwest Bergen County Utilities Authority Authorizing Stipend and License Incentive Payments to Supervisory Employees
- 50-2019 Regular Employment – Albert DiClemente as O&M Helper
- 51-2019 Regular Employment – Alexis Toledo Sanchez as Maintenance Mechanic
- 52-2019 Appointment of John Danubio as Assistant to the Executive Director
- 53-2019 Approval of Change Order No. 4 for Contract No. 281 – Trunk Sewer East Interceptor Bypass
- 54-2019 Qualification and Retention of Consulting Engineer for 2019 General Incinerator Advice pursuant to N.J.S.A. 19:44A-20.4
- 55-2019 Authorization to enter into a Shared Services Agreement with the Borough of Franklin Lakes

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

NO. 46-2019

DATE: June 18, 2019

**APPROVING CHANGE ORDER NO. 1 FOR
CONTRACT NO. 273 – WASTEWATER TREATMENT PLANT
IMPROVEMENTS PROJECT**

WHEREAS the Northwest Bergen County Utilities Authority (the “Authority”) entered into a Contract for the Wastewater Treatment Plant Improvements Project (“the Project”) with Rapid Pump & Meter Service Co., Inc. (“the Contractor”) on June 7, 2018; and

WHEREAS, the following modifications have been made to the Project and are more particularly set forth in Change Order No. 1 attached hereto (“the Change Order”):

- | | |
|--|---------------------|
| 1. Purchase and install WESP Transformer and Controller | \$ 74,800.75 |
| 2. Brick façade and brick masonry pointing | \$ 76,973.53 |
| 3. Aeration Tank Caulk Joint Replacement | \$ 44,431.20 |
| 4. Schwing Sludge Pump and Hydraulic Power Pack | \$288,325.00 |
| Incl. all piping, valves, fittings, hose and appurtenances | |
| Labor and equipment to install above | <u>\$176,948.80</u> |

TOTAL COST: \$661,479.28

WHEREAS, as a result of these contract modifications, the contract time will increase by 378 calendar days; and

WHEREAS, the Authority’s Consulting Engineer, T&M Associates has prepared the Change Order and recommends that the Change Order be approved by the Authority; and

WHEREAS, the Authority’s Certifying Finance Officer has certified that funds are available for the increased cost of the project.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Northwest Bergen County Utilities Authority the following:

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

1. ISSUING OFFICE Northwest Bergen County Utilities Authority	2. PROJECT NO. S340700-16	3. CONTRACT NO. NBCUA No. 273	4. MODIFICATION NO. CM-01
5. TO (CONTRACTOR) Rapid Pump & Meter Service Co. Inc. 285 Straight Street Paterson, NJ 07509		6. PROJECT LOCATION AND DESCRIPTION Wastewater Treatment Plant Improvements- Borough of Waldwick, NJ	

7. A proposal is required for making the hereinafter described change in accordance with specification and drawing revisions cited herein or listed in attachment hereto. Submit your proposal in space indicated on page 2, attach detailed breakdown of prime and sub-contract costs (See the clause of this contract entitled, "Changes". DO NOT start work under this proposed change until you receive a copy signed by the Contracting Officer or a directive to proceed).

 Date Howard Hurwitz, Authority Engineer Signature

8. DESCRIPTION OF CHANGE: Pursuant to the clause of this contract covering changes, the contractor shall furnish all labor and material, and all work necessary to accomplish the following described work:

1. Material/Equipment – WESP Purchase and Installation of Transformer/Controller – Transformer quoted in the bid was not the unit identified by the owner as the unit wanted. The Specifications was not clear as to the model requested by the Owner.
2. Brick Façade – Replacement of broken bricks on Parapet Wall – Replacement of the bricks was not part of the original scope of work. The extent of the broken bricks was realized during the coping work. Also, as part of this work will be to repaint the bricks above the windows as this is causing leaks.
3. The design drawing showed 800 linear feet less than the actual footage of joint to be caulked.
As a result of the above, the contract price is revised as follows:
4. Material/Equipment & Labor – Furnish and install a Schwing Sludge Pump and Hydraulic Power Pack
The existing started to fail and needs replacement. The unit started to fail after the project went to bid and was awarded. The unit is an integral piece of equipment to the treatment process. This work will require a time extension.

ITEM NO.	ITEM DESCRIPTION	UNIT PRICE	ESTIMATED QUANTITY	TOTAL COST
1.	Purchase and Install WESP Transformer and Controller	\$74,800.75	1	\$74,800.75
2.	Brick Façade and brick masonry pointing	\$76,973.53	1	\$76,973.53
3.	Aeration Tank Caulk Joint Replacement	\$50.00	800	\$44,431.20
4.	Schwing Sludge Pump and Hydraulic Power Pack including all piping, valves, fittings, hose and appurtenances.	\$288,325.00	1	\$288,325.00
	Labor and equipment to install above	\$176,948.80	1	\$176,948.80

TOTAL COST OF THIS MODIFICATION \$ \$661,479.28

The contract time is hereby: increase decrease or remains the same by 378 calendar days as a result of this modification.

The foregoing modification is hereby accepted:

CONTRACTOR	OWNER	(NJPE SEAL)	ENGINEER
BY: <u>Steve Kulcsar</u>	BY: <u>Howard Hurwitz</u>	BY: _____	<u>Nicholas Rotonda, PE</u>
DATE: _____	DATE: _____	DATE: _____	

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

APPROVAL:

STATE OF NEW JERSEY

DATE

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

9. ISSUING OFFICE Northwest Bergen County Utilities Authority	10. PROJECT NO. 340700-16	11. CONTRACT NO. #273	12. MODIFICATION NO. CM-01
13. CONTRACTOR'S PROPOSAL – CHANGE IN CONTRACT PRICE (Detailed breakdown, attach additional sheets as necessary)			
(Proposed) See attached Proposals from Contractor.			
NET INCREASE \$ <u>661,479.28</u>	NET DECREASE \$ _____	CALENDER DAYS INCREASE <u>378</u> DAYS	
DATE:	TYPE NAME AND TITLE: Steve Kulcsar, Director of Contracts	SIGNATURE:	

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

14. ISSUING OFFICE & PROJECT NO. Northwest Bergen County Utilities Authority S340700-16	15. CONTRACT NO. NBCUA No. 273	16. MODIFICATION NO. CM-01
17. ORIGINAL CONTRACT BID PRICE \$ 3,232,450.00 TOTAL OF PREVIOUS CHANGE ORDERS \$ <u>0</u> TOTAL CONTRACT COST INCLUDING CHANGE ORDERS ... \$ <u>3,893,929.28</u>		
18. NECESSITY FOR CHANGE AND REASON FOR OMISSION FROM PLANS AND SPECIFICATIONS: See above #8, 1- 4		
19. OTHER IMPACTS RESULTANT OF THIS CHANGE: None		
20. RESUME OF NEGOTIATIONS OR RECOMMENDATIONS (Loanee's Representative) :		
DATE:	TYPE NAME AND TITLE OF LOANEE'S REPRESENTATIVE: Howard Hurwitz, Authority Engineer	SIGNATURE:

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify to the Board of Commissioners of the Northwest Bergen County Utilities Authority that sufficient funds are available for payment of the following:

CONTRACT: Contract No. 273 – Wastewater Treatment Plant Improvements

VENDOR: Rapid Pump & Meter Service, Co., Inc.

AMOUNT: \$661,479.28

ACCOUNT NO.: 7000-6620

Date: June 14, 2019



James Rotundo, Certifying Finance Officer

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 48-2019

Date: June 18, 2019

APPROVAL OF VOUCHERS, PAYROLL TRANSFERS, PAYROLL TAX DEPOSITS AND PENSIONS & BENEFITS TRANSFERS

WHEREAS, the Northwest Bergen County Utilities Authority has received vouchers in claim for payment of materials supplied and/or rendered; and

WHEREAS, the said vouchers have been reviewed and the amount indicated on each voucher has been determined to be due and owing; and

WHEREAS, the Northwest Bergen County Utilities Authority has made payroll transfers, payroll tax deposits and Pensions & Benefits transfers for the month of May 2019 and Health Benefits and Dental Benefits transfers for June 2019; and

WHEREAS, the Commissioners of the Authority have reviewed the vouchers, payroll transfers, payroll tax deposits, Pensions and Benefits, and Health and Dental Benefits transfers listed on the attached reports and have found them to be in order.

NOW, THEREFORE, BE IT RESOLVED,

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority, that all vouchers, payroll transfers, payroll tax deposits, Pensions & Benefits and Health and Dental Benefits transfers listed and reports attached hereto, dated June 18, 2019 be and they hereby are approved for payment from the proper accounts as follows:

ACCOUNT: Payroll Account
Net Payroll: \$203,935.03

ACCOUNT: Tax Deposit Account
Total: \$90,007.37

ACCOUNT: Health Benefits Contribution Employer
Total Transfer: \$113,290.71

ACCOUNT: Health Benefits Contribution Employee
Total: \$4,572.95

ACCOUNT: Dental Benefits
Total Transfer: \$4,254.64

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 48-2019

Date: June 18, 2019

APPROVAL OF VOUCHERS, PAYROLL TRANSFERS, PAYROLL TAX DEPOSITS AND PENSIONS & BENEFITS TRANSFERS

ACCOUNT: PERS and Contributory Insurance

Total Transfer: \$33,358.83

ACCOUNT: Operating Account

Total: \$339,675.55

ACCOUNT: General Improvement Account

Total: \$407,130.89

SECRETARY

CHAIRMAN

RECORDED VOTE:

	Bonagura	Chewcaskie	Duch	Kelاهر	Lo Iacono	Mongelli	Ortega	Plumley	Kasparian
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 49-2019

Date: June 18, 2019

RESOLUTION OF THE GOVERNING BODY OF THE NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY AUTHORIZING STIPEND AND LICENSE INCENTIVE PAYMENTS TO SUPERVISORY EMPLOYEES

WHEREAS, the Authority encourages all employees to obtain licenses and pursue trades that benefit the Authority; and

WHEREAS, several supervisory employees possess licenses and/or have provided services in a skilled trade that confer benefits on the Authority; and

WHEREAS, the Authority's Superintendent has recommended license incentive and stipend payments for all of the supervisory employees that possess licenses and/or have provided services in a skilled trade that confer benefits on the Authority; and

NOW, THEREFORE, BE IT RESOLVED by the Authority's Board of Commissioners, that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Authority is hereby authorized to pay Robert Genetelli a license incentive of \$6,000 for holding a S4/C4 license.
3. The Authority is hereby authorized to pay Nicholas Fabbriatore a license incentive of \$6,000 for holding a S4/C4 license.
4. The Authority is hereby authorized to pay Edwin Walker a license and trade incentive of \$4,500 for holding a C4 license, Commercial Driver's License and Backflow Preventer Certification.
5. The Authority is hereby authorized to pay Alexander Lerch a license incentive of \$1,500 for holding a S1/C1 license.
6. The Authority is hereby authorized to pay William Eletto a trade stipend of \$1,000 for his Backflow Preventer Certification.
7. The Authority is hereby authorized to pay Andrew Agugliaro a stipend of \$1,500 for his TV Camera Truck/PACP certification and Commercial Driver's License.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 49-2019

Date: June 18, 2019

RESOLUTION OF THE GOVERNING BODY OF THE NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY AUTHORIZING STIPEND AND LICENSE INCENTIVE PAYMENTS TO SUPERVISORY EMPLOYEES

8. This Resolution shall be effective immediately.

I hereby certify that this is a true copy of a resolution adopted by the Northwest Bergen County Utilities Authority upon a roll call vote of all Commissioners of the Authority eligible to vote at a regular meeting held on June 18, 2019.

CHAIRMAN

SECRETARY

Recorded Vote:

	Bonagura	Chewcaskie	Duch	Kelاهر	Lo Iacono	Mongelli	Ortega	Plumley	Kasparian
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

T&M ASSOCIATES
CONSULTING & MUNICIPAL ENGINEERS
1455 BROAD STREET
BLOOMFIELD, NEW JERSEY 07003

SHEET NO. 1 OF 2
PROJECT NO. NBUA00645

CHANGE ORDER NO. 4 (FINAL)

DATE: June 6, 2019

PROJECT: TRUNK SEWER EAST INTERCEPTOR BYPASS - CONTRACT NO. 281

OWNER: NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

CONTRACTOR: J. FLETCHER CREAMER & SON, INC.

DESCRIPTION OF CHANGE:

REDUCTIONS:
Reduction of 16" Line Stop and CO No. 1 (Bypass PS & Cut in Assembly) to account for unused quantities during the project

EXTRA:

SUPPLEMENTARY:

APPROVAL RECOMMENDED:

VITO SPADAVECCHIA

ACCEPTED:

CONTRACTOR:
J. FLETCHER CREAMER & SON, INC.

OWNER'S APPROVALS:

SEE ATTACHED DETAIL	ADDITIONAL	REDUCTION
A. TOTAL REDUCTIONS THIS C.O.	XXXXXXXXXXXX	\$4,750.19
B. TOTAL EXTRAS THIS C.O.	\$0.00	XXXXXXXXXXXX
C. TOTAL SUPPLEMENTARY THIS C.O.	\$0.00	XXXXXXXXXXXX
TOTALS THIS C.O.	\$0.00	\$4,750.19
NET CHANGE THIS CHANGE ORDER		\$4,750.19
PREVIOUS CHANGE ORDERS	\$51,988.62	\$0.00
TOTAL CHANGE ORDERS TO DATE	\$51,988.62	\$4,750.19
NET CHANGE IN CONTRACT	\$47,238.43	

NOTE: All work to be done according to Contract Specifications.

ORIGINAL CONTRACT BID PRICE	\$174,501.00
CHANGE ORDERS TO DATE	\$47,238.43
REVISED CONTRACT PRICE	\$221,739.43

PROJECT: TRUNK SEWER EAST INTERCEPTOR BYPASS - CONTRACT NO. 281

OWNER: NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

CONTRACTOR: J. FLETCHER CREAMER & SON, INC.

	ITEM NO.	DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
R E D U C T I O N	2	16" Line Stop	1.00	\$1.00	\$1.00
	S-1	Change order 1 - Bypass PS & Cut-in Assembly	0.70	\$6,786.62	\$4,749.19
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

A. TOTAL REDUCTIONS \$4,750.19

E X T R A					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

B. TOTAL EXTRA \$0.00

S U P P L E M E N T A R Y					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

C. TOTAL SUPPLEMENTARY \$0.00

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 54-2019

Date: June 18, 2019

**QUALIFICATION AND RETENTION OF ENGINEER FOR
2019 GENERAL INCINERATOR ADVICE PURSUANT TO N.J.S.A. 19:44A-20.4**

WHEREAS, the Northwest Bergen County Utilities Authority (the “Authority”) has adopted the fair and open process pursuant to N.J.S.A. 19:44A-20.7 with respect to the retention of the following professional:

CONSULTING ENGINEER

WHEREAS, the Authority issued a Request for Qualifications for such position and notice thereof was published on **January 11, 2019**; and

WHEREAS, the Authority received responses to the Request for Qualifications for the aforementioned position by the deadline date of **January 29, 2019** from Chavond Barry Engineering Corp; and

WHEREAS, the Authority convened to evaluate the Request for Qualifications; and

WHEREAS, the Authority structured a competitive procurement process that sought to assure that each person and/or firm was provided an equal opportunity to submit a Qualification Statement in response to the Statements for Request for Qualifications; and

WHEREAS, the Authority intended to qualify persons and/or firms that (i) possessed the professional, financial and administrative capabilities to provide the proposed engineering services, and (ii) would agree to work under the compensation, terms and conditions determined by the Authority to provide the greatest benefit to the ratepayers of the Authority’s service area; and

WHEREAS, pursuant to Section 5 of the Authority’s Request for Qualifications, the Authority’s objective was to select an organization or individual that would provide high quality and cost effective services to the citizens served by the Authority; and

WHEREAS, pursuant to Section 5 of the Authority’s Request for Qualifications, the Authority applied its selection criteria and evaluated the proposals based upon the most advantageous submission, with the following factors being considered: (i) experience and reputation in the field; (ii) knowledge of the Authority and the subject matter addressed under the contract, (iii) availability to accommodate the required meetings of the Authority; and (iv) other factors demonstrated to be in the best interest of the Authority.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 54-2019

Date: June 18, 2019

**QUALIFICATION AND RETENTION OF ENGINEER FOR
2019 GENERAL INCINERATOR ADVICE PURSUANT TO N.J.S.A. 19:44A-20.4**

WHEREAS, the firm of Chavond Barry Engineering Corp. (the “Firm”) was determined to be highly qualified and eminently capable of providing Consulting Engineering Services to the Authority; and

WHEREAS, the Authority has determined that it is in its best interest to retain the Firm as a Consulting Engineer for General Incinerator Advice as set forth in this Resolution; and

WHEREAS, the services rendered on behalf of the Authority include:

- Provide incineration, permitting and regulatory advice as requested.
- Attend meetings as requested.
- Be available for telephone conferences, advice and consultation that can be given by telephone.
- Provide operations and maintenance advice as requested by the Authority.
- Provide additional advice and general consulting and engineering services as requested by the Authority.

WHEREAS, services rendered on behalf of the Authority will be billed based upon the Firm’s Hourly Billing Rates attached to this Resolution at a not-to-exceed cost of \$75,000 for general incineration advice; and

WHEREAS, the Firm has agreed that they will not bill the Authority for time resulting from travel to/from the Authority office in Waldwick, NJ; and

WHEREAS, the Authority’s Certifying Finance Officer has certified that funds are available for the award of a professional services agreement with the Firm.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Northwest Bergen County Utilities Authority the following:

1. The Authority hereby designates Chavond Barry Engineering Corp. to be qualified to provide consulting engineering services to the Authority.
2. The Authority hereby retains Chavond Barry Engineering Corp. as a Consulting Engineer for the services outlined in this Resolution through February 18, 2020 and until a successor has been named.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 54-2019

Date: June 18, 2019

**QUALIFICATION AND RETENTION OF ENGINEER FOR
2019 GENERAL INCINERATOR ADVICE PURSUANT TO N.J.S.A. 19:44A-20.4**

3. The Authority shall enter into a professional services agreement for the aforementioned for execution and delivery by the Authority and the professional, with compensation to the professional at the Firm’s Billing Rates, in an amount not to exceed \$75,000 for general incineration advice.
4. In the event that the Firm anticipates it will exceed the amount set forth above, it shall seek further authorization from the Authority at such time.
5. The Certifying Finance Officer’s Certification of Available Funds shall be maintained on file at the Authority and made a part hereof.
6. Notice of the contract award shall be advertised in accordance with applicable law.
7. This Resolution shall take effect immediately upon adoption.

I hereby certify that this is a true copy of a resolution adopted by the Board of Commissioners of the Northwest Bergen County Utilities Authority on June 18, 2019.

CHAIRMAN

SECRETARY

RECORDED VOTE:

	Bonagura	Chewcaskie	Duch	Kelاهر	Lo Iacono	Mongelli	Ortega	Plumley	Kasparian
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									



CHAVOND-BARRY ENGINEERING CORP.

400 County Route 518 • P.O. Box 205
Blawenburg, New Jersey 08504-0205

Tel: (609) 466-4900
Fax: (609) 466-1231

MEMORANDUM

Effective January 1, 2019

The following is the listing of the 2019 standard hourly billing rates for our staff. From time to time, wages are adjusted. The following rates will be held for the calendar year.

CBE Rate Schedule	2019 Billing Rates
<u>Personnel</u>	
Louis T. Barry	\$240
Albert T. Hamfeldt, EIT	\$175
Keith A. Croly	\$150
John B. Eichinger	\$165
Thomas Vash	\$145
Darwin M. Owens, P.E.	\$170
Sandra B. Rattner	\$85

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify to the Board of Commissioners of the Northwest Bergen County Utilities Authority that sufficient funds are available for payment of the following:

CONTRACT: Professional Services – Engineering for 2019 General Incinerator Advice

VENDOR: Chavond Barry Engineering Corp.

AMOUNT: \$75,000

ACCOUNT NO.: 5000-6370

Date: June 14, 2019



James Rotundo, Certifying Finance Officer

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 55-2019

Date: June 18, 2019

**AUTHORIZATION TO ENTER INTO A SHARED SERVICES AGREEMENT WITH
THE BOROUGH OF FRANKLIN LAKES**

WHEREAS, the State of New Jersey encourages local units to enter into agreements for the joint provision of municipal services; and

WHEREAS, the State of New Jersey authorizes entering into such agreements for shared services pursuant to N.J.S.A. 40A:65-1 et. seq.; and

WHEREAS, the Northwest Bergen County Utilities Authority (the “Authority”) and the Borough of Franklin Lakes (the “Borough”) had entered into a Shared Services Agreement on June 1, 2018 with a termination date of May 31, 2019 for the Authority to 1) act as the New Jersey Licensed Collection System Operator for the Borough; 2) respond to any and all sewer collection emergencies 24 hours a day, 7 day a week; 3) coordinate all third party repairs of the Collection System; 4) when necessary, coordinate, participate and correspond to any and all NJDEP and USEPA inspections and actions regarding the Borough of Franklin Lakes Sanitary Sewer System; 5) coordinate with the Borough and NJDEP Hotline Calls and correspondence regarding the sanitary Collection System; and 6) the Borough will comply as soon as possible with all NBCUA requests for records, information, data or assistance with regard to the operation of the collection system or compliance with any applicable state or federal regulation; and

WHEREAS, the Borough has adopted its Resolution No. 159-19 authorizing entering into a new shared services agreement with the Authority to receive the same services as previously provided; and

WHEREAS, the Authority desires to enter into this agreement with the Borough for a duration of one (1) year subject to the terms and conditions set forth in said agreement attached hereto.

NOW THEREFORE, BE IT RESOLVED by the Commissioners of the Northwest Bergen County Utilities Authority the following:

1. The Authority agrees to enter into a Shared Services Agreement with the Borough of Franklin Lakes for a duration of one (1) year to act as the New Jersey Licensed Sewer Operator for the Borough in addition to other services as outlined above; and
2. The Chairman or Vice-Chairman of the Authority be and is hereby authorized on behalf of the Authority to execute the Shared Services Agreement with the Borough of Franklin Lakes annexed hereto and made a part thereof.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 55-2019

Date: June 18, 2019

**AUTHORIZATION TO ENTER INTO A SHARED SERVICES AGREEMENT WITH
THE BOROUGH OF FRANKLIN LAKES**

I hereby certify that this is a true copy of a resolution adopted by the Board of Commissioners of the Northwest Bergen County Utilities Authority on June 18, 2019.

CHAIRMAN

SECRETARY

RECORDED VOTE:

	Bonagura	Chewcaskie	Duch	Kelaher	Lo Iacono	Mongelli	Ortega	Plumley	Kasparian
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

SHARED SERVICES AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of ___ 2019, by and among:

THE BOROUGH OF FRANKLIN LAKES, a Municipal Corporation of the State of New Jersey, in the County of Bergen, hereinafter referred to as "Franklin Lakes" and the NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY, doing business at 30 Wyckoff Avenue, P.O. Box 255, Waldwick, New Jersey 07463, hereinafter referred to as "NBCUA".

WHEREAS, the State of New Jersey encourages local units to enter into agreements for the joint provision of services; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A.40A:65-1 et seq.) allows for any local unit to enter into an agreement with any other local unit or units to provide or receive any services that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction; and

WHEREAS, the Borough of Franklin Lakes and the NBCUA have researched the feasibility of entering into an agreement under the authority of Uniform Shared Services and Consolidation Act, whereby the NBCUA would provide to Franklin Lakes the services of a licensed sewer operator, and

WHEREAS, Franklin Lakes has adopted Resolution # 159-19 which authorizes Franklin Lakes to enter into an agreement with the NBCUA, for the services of a licensed sewer operator as requested.

NOW, THEREFORE, this Agreement is entered into by and among the Borough of Franklin Lakes and the NBCUA for the purpose of defining and specifying the obligations of the parties and the Borough of Franklin Lakes and the NBCUA hereby agree as follows:

1. Pursuant to N.J.S.A. 40A:65-5, both the Borough of Franklin Lakes and the NBCUA shall adopt the appropriate Resolutions, which will formally authorize the entering into of this Agreement between the parties.
2. The duration of this Agreement shall be for a period of one (1) year following the commencement date and will supersede any previously agreed upon shared service agreement between the Borough of Franklin Lakes and NBCUA for the services of a licensed sewer operator. The commencement date shall be June 1, 2019 and shall expire on May 31, 2020.
3. The NBCUA shall provide the following services to the Borough of Franklin Lakes:
 - A. The NBCUA shall act as the New Jersey Licensed Collection System Operator for the Borough of Franklin Lakes.
 - B. The NBCUA shall respond to any and all sewer collection emergencies 24 hours a day, seven days a week.

- C. NBCUA will coordinate all third party repairs of the Collection System.
- D. NBCUA, when necessary, will coordinate, participate and correspond to any and all NJDEP and USEPA inspections and actions regarding the Borough of Franklin Lakes Sanitary Sewer System.
- E. The Borough of Franklin Lakes will comply as soon as possible with all NBCUA requests for records, information, data or assistance with regard to the operation of the collection system or compliance with any applicable state or federal regulation.
- F. NBCUA will coordinate with the Borough of Franklin Lakes and NJDEP Hotline Calls and correspondence regarding the sanitary Collection System.

4. NBCUA will provide all of the aforementioned services to the Borough of Franklin Lakes in accordance with federal and state regulations and standards for the operation of a collection system.

5. In consideration for the Licensed Collection System Operator services to be rendered by the NBCUA to Franklin Lakes, pursuant to Paragraph 3 (A) above, the Borough of Franklin Lakes shall pay the NBCUA four (4) equal installments of \$1,150.00 on or before September 1st, December 1st, March 1st and June 1st of each year, for a total annual compensation of \$4,600.00.

In consideration for services to be rendered by NBCUA to the Borough of Franklin Lakes, pursuant to Paragraph 3 (B thru F) above, the Borough of Franklin Lakes shall pay the NBCUA in accordance with the rates listed below:

Third Party Contractors for repairs and/or spare parts	\$ Direct Cost
2019 Non- Business hrs – emergency responses (per man)	\$ 109.51/hr
2020 Non- Business hrs – emergency responses (per man)	\$ 110.61/hr
2019 Business hours emergency/non-basic repair	\$ 87.62/hr
2020 Business hours emergency/non-basic repair	\$ 88.50/hr
Vac-out storm water catch basins/manholes (per man)	\$ TBD
Manhole Inspection Program (upon request)	\$ TBD

NBCUA will provide quarterly invoices to the Borough of Franklin Lakes detailing services rendered pursuant to paragraph 3 (B through F above). The Borough of Franklin Lakes shall pay said invoices within 30 days of receipt.

6. To the fullest extent permitted by law, the Borough of Franklin Lakes shall release, indemnify, defend and hold harmless the NBCUA and its officers, trustees, directors, agents, representatives, attorneys and employees (collectively "Indemnified Parties") from any and all claims (including Workers Compensation claims), damages, losses, fines, civil penalties, liabilities, judgments, costs and expenses of any kind or nature whatsoever, including, but not limited to, interest, court costs and attorneys' fees, which in any way arise out of or result from this Agreement or any acts or omissions of the NBCUA, its employees, agents, representatives, or contractors in the performance of their obligations under this Agreement, including, but not limited to, injury to or death of any person, workers compensation claims, damage to or destruction of any property, real or personal, and liability or obligations under or with respect to any violation of federal, state and local laws, regulations, rules, codes and ordinances (including, but not limited to, those concerning environmental protection).

Nothing contained in this section shall be construed as a release or indemnity by the Borough of Franklin Lakes of an Indemnified Party from or against any loss, liability or claim to the extent arising from the gross negligence or willful misconduct of that Indemnified Party. This section shall not be construed to negate, abridge or otherwise reduce any other right to indemnity which would otherwise exist in favor of any Party, or any obligation of a Party, its officers, officials, employees, agents or contractors to indemnify any other Party. The Parties obligations under this section shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits paid or payable by the Borough of Franklin lakes under workers' compensation laws, disability benefits laws or other employee benefit laws or regulations. The indemnification obligations of this section shall survive termination or expiration of this Agreement.

No Indemnified Party shall be liable for any injury or damage to the Borough of Franklin Lakes or to any person happening on, in or about the Borough, nor for any injury or damage to the Borough or to any property belonging to the Borough or to any other person that may be caused by fire, by breakage, or by the use, misuse or abuse of any Borough property, or that may arise from any other cause whatsoever unless arising solely from the willful misconduct or gross negligence of an Indemnified Party.

The NBCUA or other Indemnified Party (as applicable) will give timely notice to the Borough of Franklin Lakes of any action or proceeding brought against the NBCUA or other Indemnified Party (as applicable) by reason of any claims covered by the foregoing indemnities, together with documents served on the NBCUA or other Indemnified Party (as applicable) in connection therewith.

7. The parties agree that either party may terminate this Agreement by giving at least one (1) months' written notice to the other party.

8. Each party to this Agreement represents to the other party thereto that the Officials executing this Agreement are fully authorized and empowered to do so and to bind the parties to the terms of this Agreement, pursuant to law.

9. The parties recognize that the individuals who shall be designated as the Primary Contact Persons are, the Licensed Collection System Operator and Superintendent of the

NBCUA for the NBCUA and the Manager of the Borough's Public Works Department, for Franklin Lakes. The Primary Contact individual shall be noticed on all issues of importance and shall be responsible for initiating all requests for repairs and corrective actions to be carried out by NBCUA.

10. The primary contact person shall jointly and cooperatively implement and complete a reporting form to memorialize and record all required and/or performed repairs, corrective actions and responses for the collection system.

11. The NBCUA will provide a certificate of insurance designation Franklin Lakes as an additional insured, with the same limits and coverage as the NBCUA has in place with their current insurance programs.

12. The NBCUA agrees to comply with all applicable federal, state, county and municipal laws, rules and regulations.

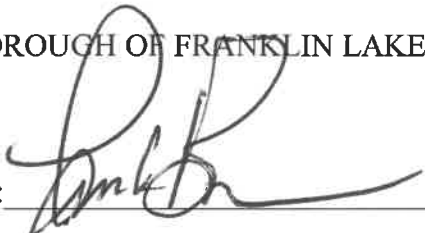
13. The terms of this Agreement shall constitute the entire understanding between the parties and may only be amended by a written document executed by both parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, this month, day and year first above written.

ATTEST:

BOROUGH OF FRANKLIN LAKES

Sally T. Bleeker
Date: 5-21-2019

By: 

ATTEST:

NORTHWEST BERGEN COUNTY
UTILITIES AUTHORITY

By: _____

Date: _____

**Resolution 159-19
Sewer Operator Agreement**

WHEREAS, the Borough must provide for certain services in connection with the operation and maintenance of a sanitary sewer collection system when it owns such a collection system; and,


WHEREAS, the Northwest Bergen County Utilities Authority, 30 Wyckoff Avenue, Waldwick, New Jersey, has submitted a shared services proposal dated April 15, 2019 to provide such services;

WHEREAS, this agreement shall commence on or about June 1, 2019 and shall continue in effect until May 31, 2020; and,

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin Lakes that Northwest Bergen County Utilities Authority be and is hereby awarded the shared services contract for operation and maintenance of the Borough's sanitary sewer collection system, including an annual fee of \$4,600 for Licensed Collection System Operator services and such other itemized services as set forth in its proposal dated April 15, 2019; and

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Northwest Bergen County Utilities Authority.

I, Sally T. Bleeker, Municipal Clerk for the Borough of Franklin Lakes, do hereby certify that the above is a certified true copy of a resolution passed by the Mayor and Council on the 21st day of May 2019, at 7:30 P.M. in the Council Chambers of the Municipal Building, a quorum being present.


Sally T. Bleeker

Sally T. Bleeker, Municipal Clerk

May 22, 2019

Date